

CITY OF COLTON
CITY COUNCIL/REDEVELOPMENT AGENCY/
COLTON UTILITY AUTHORITY/COLTON PUBLIC FINANCING AUTHORITY/COLTON
HOUSING AUTHORITY
REGULAR MEETING MINUTES

August 16, 2011

Regular Meeting was held on the above-given date at 6:04 p.m., in the City Hall Council Chambers, with Mayor Pro Tem Bennett presiding.

CITY COUNCIL ROLL CALL

Council Members Present

Deirdre H. Bennett, Mayor Pro Tem
David J. Toro
Frank A. Gonzales
Vincent Yzaguirre
Susan M. Oliva
Alex G. Perez

Staff Present:

Rod Foster, City Manager
Dean Derleth, City Attorney
Eileen C. Gomez, City Clerk
Aurelio De La Torre, City Treasurer

Council Members/Staff Absent

None.

INVOCATION

Dane Aaker, Centerpoint Church

FLAG SALUTE

Thomas Leon, VFW Post 6476

OATH OF OFFICE

Mayor Pro Tempore Bennett called the Newly-Appointed Mayor Sarah S. Zamora and Congressman Joe Baca forward for the administration of the Oath of Office. The Oath of Office was signed by Mayor Zamora and City Clerk Gomez. Mayor Sarah S. Zamora took her place at the dais as our Newly Appointed Mayor.

ADJOURN TO RECEPTION

At 6:17 p.m., Mayor Sarah S. Zamora adjourned the meeting to a reception in the lobby.

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HOUSING AUTHORITY
REGULAR MEETING MINUTES

August 16, 2011

Regular Meeting was reconvened on the above-given date at 7:00 p.m., in the City Hall Council Chambers, with Mayor Sarah S. Zamora presiding.

CITY COUNCIL ROLL CALL

Council Members Present

Sarah S. Zamora, Mayor
David J. Toro
Frank A. Gonzales
Vincent Yzaguirre
Susan M. Oliva
Deirdre H. Bennett
Alex G. Perez

Staff Present:

Rod Foster, City Manager
Dean Derleth, City Attorney
Eileen C. Gomez, City Clerk
Aurelio De La Torre, City Treasurer

Council Members/Staff Absent

None.

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Proclamation – A Proclamation was presented to Summit Career College for 20 years of service. Comments were made by Josie Gonzales and Laura Morales, Executive Director for the Colton Chamber of Commerce and Newly Appointed Colton Joint Unified School District Board Member. Laura Morales read the Proclamation into the record on behalf of Council Member Yzaguirre, which was presented to Mr. James Hill, Owner of Summit Career College.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF AUGUST 16, 2011.

Mayor Sarah Zamora asked the members present if there were any agenda items that were a conflict of interest pursuant to CMC Section 2.04.030. None.

AB 1234 ORAL REPORTS

None.

APPOINTMENTS

City Commissions & Committees; Regional Boards & Committees

- District 5 - Parks & Recreation Commission Appointment - Paul Rasso

Motion and second by CM Gonzales/MPT Bennett, to appoint Paul Rasso to the Parks & Recreation Commission – District 5. Unanimous Vote.

- Intergovernmental Agency Appointments

Motion and second by CM Yzaguirre/CM Oliva, to appoint Mayor Sarah S. Zamora, to fill the remaining terms as a Member or Alternate Member on various Boards, Commissions, Committees, and Intergovernmental Agencies. Unanimous Vote.

- Designate League Voting Delegate and Alternates

Motion and second by MPT Bennett/CM Oliva, to appoint CM Yzaguirre to serve as the Voting Delegate for the Annual League of California Cities Conference scheduled for September 21 – 23, 2011. Unanimous vote.

Motion and second by CM Yzaguirre/CM Toro, to appoint MPT Bennett and CM Oliva as Voting Alternates for the Annual League of California Cities Conference scheduled for September 21 – 23, 2011. Unanimous Vote.

PUBLIC COMMENT

The following citizens addressed the Council:

Frank Quezada, Gary Mitchell, Katherine Hernandez, Laura Morales, Frank Montes, Paul Rasso, Ahmed Radwan, Kris Mehta, Christine Irish-Re, Gary Grossich, Jose Olivar, and John Anaya.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

Council Members made comments on various issues and activities throughout the community.

CITY TREASURER'S REPORTS

It was a consensus of the Council to receive and file the City Treasurer's report for May and June 2011 as presented by City Treasurer De La Torre.

CONSENT CALENDAR

City Manager Foster presented Consent Calendar Item Nos. 1 through 5 and stated they were ready for action, with the exception of Item No. 5, which was pulled.

Motion and second by MPT Bennett/CM Gonzales, to approve the Consent Calendar as presented, with the exception of Item No. 5. Unanimous Vote.

- (1) Minutes – Approved Minutes for the City Council Regular Meeting Held August 2, 2011, on File in the Office of the City Clerk.
- (2) Warrants – Approved Payable Warrants #123669 to #123831, Dated 7/28/11, Totaling \$1,571,487.08; Payable Warrants #123832 to #123971, Dated 8/3/11, Totaling \$1,937,865.13; Payroll Disbursement Listing for 7/9/11 to 7/22/11, Totaling \$635,960.48; and Payroll Disbursement Listing for 7/23/11 to 8/5/11, Totaling \$582,607.81, on File in the Finance Department.
- (3) Set Public Hearing for Annual Report of Costs of Weed Abatement Program - Set a Public Hearing for the Meeting of September 6, 2011, and approved consideration of a Resolution to Adopt a Report of Costs Confirming those Costs Provided to the County for Placement on the Tax Rolls for Payment.
- (4) MOU with San Bernardino Associated Governments - Authorized Execution of a Memorandum of Understanding (MOU) with San Bernardino Associated Governments (SANBAG) and all Valley jurisdictions for the maintenance responsibilities for San Bernardino Valley Coordinated Traffic Signal System (SBVCTSS) Tier 1, 2, 3 and 4.
- (5) CSG Advisors, Inc. and UFI, Inc. – Approve and Authorize the City Manager to Execute an Amendment to the Professional Services Agreement with CSG Advisors, (CSG) and Approve an Amendment to the Professional Services Agreement with Urban Futures, Inc. (UFI), Extending the Term of both Agreements and Documenting a Prior Reduction in Compensation on the CSG Agreement. **ITEM PULLED**

BUSINESS ITEMS

- (6) Amendment to CalPERS Contract - Waive Full Reading and Pass First Reading By Title Only of an Ordinance of the City Council of the City of Colton Authorizing an Amendment to the Contract between the City Council of the City of Colton and the Board Administration of the California Public Employees' Retirement System (CalPERS), **ORDINANCE NO. O-04-11.**

Management Services Director Bonnie Johnson gave her report regarding the Amendment to the Contract for CalPERS. City Attorney Dean Derleth read the ordinance summary into the record.

Motion and second by CM Yzaguirre/CM Toro, to waive the full reading and pass first reading by ordinance title only, authorizing an amendment to the contract between the City Council and the Board Administration of the CalPERS. Unanimous Vote.

- (7) Alternative Voluntary Redevelopment Program – It is Recommended that the Council (1) Adopt Urgency Ordinance No. O-02-11, An Urgency Ordinance of the City Council of the City of Colton, California, Authorizing the City of Colton to Participate in the Alternative Voluntary Redevelopment Program Pursuant to California Health and Safety Code Sections 34192, Et Seq., Subject to Certain Conditions and Reservations; (2) Waive Full Reading and Pass First Reading By Title Only of Ordinance No. O-3-11, an Ordinance of the City Council of the City of Colton, California, Authorizing the City of Colton to Participate in the Alternative Voluntary Redevelopment Program Pursuant to California Health and Safety Code Sections 34192, Et Seq., Subject to Certain Conditions and Reservation; (3) (Due to Late Breaking Supreme Court Action on 8-11-11; Report to be Provided at Meeting) Adopt an Enforceable Obligation Payment Schedule in reference to Health and Safety Code Sections 34161-34167 (Report to be Provided at Meeting); and (4) (Due to Late Breaking Supreme Court Action on 8-11-11; Report to be Provided at Meeting) Possibly in lieu of Adopting items (1) and (2), Adopt a Resolution of Intention to Adopt an Ordinance of the City Council of the City of Colton, California, Authorizing the City of Colton to Participate in the Alternative Voluntary Redevelopment Program Pursuant to California Health and Safety Code Sections 34192, Et Seq., Subject to Certain Conditions and Reservations. **URGENCY ORDINANCE NO. O-02-11 (NOT ADOPTED); ORDINANCE NO. O-03-11.**

City Attorney Derleth gave a brief overview of the “rule of necessity” process and the reasons why certain Council Members will be leaving the dais for this item tonight. He wished to explain why it will not be necessary tonight to use the “rule of necessity” process that was used on May 10, 2010 when the Redevelopment Agency entered into a Professional Services Agreement with Urban Futures, Inc. to prepare an amendment/merger of the City’s redevelopment plans or project areas. The “rule of necessity” allows officials to participate in decisions where it is not possible to constitute a quorum out of officials who do not have potential conflicts of interest and there is no alternative means of reaching a decision.

Based upon the economic interests known as of May 10, 2010, City staff identified five (5) Council Members who appeared to have disqualifying potential conflicts of interests in any decisions concerning the potential amendment/merger, simply due to ownership or other interests in real property or businesses. Those Council Members were Chastain, Bennett, DeLaRosa, Oliva and Yzaguirre. A random means of selecting the minimum number of Council Members needed to participate in the decision (four) was used, and Council Members DeLaRosa and Oliva were allowed to participate along with Council Member Toro and Perez.

Once selected, an official typically participates for the duration of the proceedings in all related matters, until his or her participation is no longer legally required, or the need for invoking the exception no longer exists. In this case, two of the “conflicted” Council Members (Chastain and DeLaRosa) are no longer on the City Council, and they have been replaced by Mayor Zamora and Council Member Gonzales, neither of which appears to have a potential conflict of interest.

Thus, City Attorney Derleth explained that since there are now four (4) Council Members (Zamora, Gonzales, Toro and Perez) without apparent conflicts of interest, only those four (4) will participate on this matter tonight.

Since MPT Bennett and Council Members Oliva and Yzaguirre were recused from participating, they left the dais at 8:47 p.m.

City Manager Foster stated that this item is in regards to ongoing discussion and gave a brief overview. There was a PowerPoint presentation given by Marshal Linn from Urban Futures, Inc. and then comments from Council Members.

Motion and second by CM Gonzales/CM Toro, to approve staff's recommendation to waive full reading and pass first reading by title only of Ordinance No. 03-11, authorizing the City to participate in the Alternative Voluntary Redevelopment Program, pursuant to California Health and Safety Code Sections 34192, et. Seq., subject to certain conditions and reservations.

Motion carried with Mayor Sarah Zamora and Council Members Toro, Gonzales and Perez voting yes and MPT Bennett and Council Members Oliva and Yzaguirre abstaining.

MPT Bennett and Council Members Oliva and Yzaguirre arrived at the dais at 9:20 p.m.

CM Gonzales left the dais at 9:20 p.m., as he recused himself from discussion on Item No. 8 out of an abundance of caution due to a family member being part of one of the bargaining units.

- (8) IBEW Electric and IBEW/Wastewater Impasse – Approved and Adopted resolutions to the current impasse in negotiations between the City and the Electric and Water/Wastewater Units. **RESOLUTION NO. R-76-11 AND RESOLUTION NO. R-77-11.**

The following citizens addressed the council on this item:

Stan Stosel, Union Representative for the International Brotherhood for Electrical Workers

Rod Foster gave comments on this item and announced that CM Gonzales recused himself out of an abundance of caution as a family member is part of one of the negotiating units. City Attorney Roger Crawford explained the Impasse and negotiations process, where there was no agreement. After the city reached Impasse and met again with IBEW, the parties were unable to resolve Impasse or procedures for resolving this issue. He also stated that if Council adopts these resolutions, the new terms will go into effect the first full pay period following council action. PERS resolutions would require further action before they could be implemented.

Management Services Director Bonnie Johnson responded to the questions from Mayor Sarah Zamora and other Council Members regarding the fiscal impact.

Public Comment

The following members of the public addressed the council:

Stan Stosel, Business Systems Manager from the International Brotherhood of Electrical Workers

At 10:30 p.m., Mayor Sarah Zamora asked council if they were in agreement to continue after the 10:30 p.m. hour and allowed Stan Stosel to continue with his comments. Unanimous vote with all Council Members present.

Stan Stosel approached the council and gave comments regarding this procedure.

Motion and second by CM Toro/CM Perez, to move forward with staff's recommendation to approve and adopt both resolutions and impose the Impasse. Motion carried with CM Gonzales abstaining from this item.

CITY COUNCIL DISCUSSION ITEMS

None.

CITY MANAGER'S REPORTS

None.

CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Bonnie Johnson, Management Services Director and Ted Cooper, Human Resources Manager

Employee Organizations: IBEW Electric, IBEW Water/Wastewater

Per City Manager Foster, it was not necessary to adjourn to closed session.

ADJOURNMENT

At 10:35 p.m., Mayor Sarah Zamora adjourned the Regular Meeting in memory of Floyd Smith of Smith's Flowers.

Eileen C. Gomez, CMC
City Clerk